

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-084-JJF
	)	
Warden THOMAS CARROLL, C/O	)	
BAMBI THOMAS, C/O JAMES	)	
GARDELS, C/O THOMAS SEACORD	)	
	)	
Defendants.	)	

**AFFIDAVIT OF ED JOHNSON**

I, Ed Johnson, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a Paralegal. I have been employed by the Department of Correction for 10 years. My duties include providing legal materials to inmates as requested in the main prison law library. This information is accessed through Westlaw or from existing files of the main Law Library. Also, I provide photocopies and notary service to inmates. I assist with managing and maintaining a file for each inmate regarding their legal requests for appointments for the law library. I have held this position since 1995.
2. In response to a request from the State of Delaware Department of Justice, I have obtained documentation relating to the frequency of inmate Monty Pepper's appointments at the law library, and the number of hours he has in the law library each week.
3. The main law library at DCC serves most of the approximately 2400 inmates at DCC, in addition to the requests sent by inmates at the Central Violation of Probation Center.

3. Inmates make appointments to use the main law library at DCC. They submit a request form for the days that they wish to use the library. They are then assigned an appointment time.

4. The main law library can accommodate up to twenty inmates at one time. The number is limited for space, supervisory and security purposes.

5. If an inmate has a court deadline he is allowed extra time in the law library. The inmate who has a court deadline of ten days to two weeks is given preference for appointments and is allowed as much time as needed in the library. A court deadline of sixty days hence is not considered urgent enough to give an inmate extra time in the library.

6. Inmates come to the law library at approximately 9:45 A.M. This is not considered a scheduled appointment time. For security reasons inmates who have appointments in the afternoon at the law library are brought over at 9:45 A.M. They are allowed to use the books and do research between 9:45 and 11:30 A.M. They then come back at 12 noon, after lunch, for their scheduled appointments, and are in the library from 12 noon to 2:20 P.M. This allows an inmate two hours and twenty minutes in the afternoon, and one hour and forty five minutes in the morning.

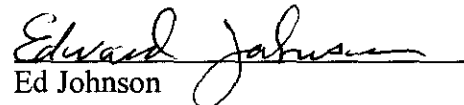
7. Inmate Pepper has sent in appointment requests for 40 law library appointments between August 5, 2005 and February 7, 2006.

8. He has been granted appointments and has had 40 appointments set up with the law library between August 5, 2005 and February 7, 2006. He has failed to appear for 11 appointments.

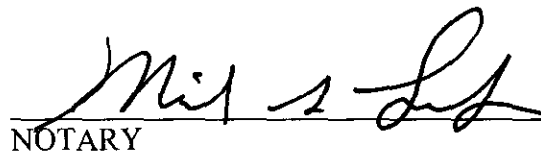
9. He has regularly been scheduled for appointments at his request, on Wednesdays and Fridays.

10 Inmate Pepper has approximately eight hours per week in the law library.

11. Mr. Pepper continues to have access to the above-listed legal resources.
12. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

  
Ed Johnson

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8 DAY OF Feb, 2006.

  
NOTARY